

JOHN J. PHELAN, III, P.C.

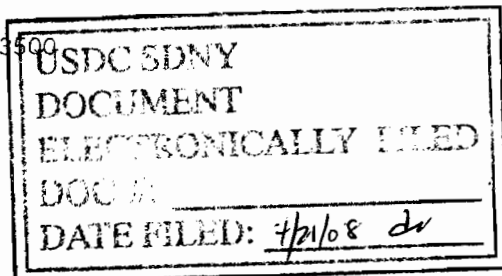
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April 19, 2008

Via Fax (212) 805-6191

Hon. Barbara S. Jones
U. S. District Judge
U. S. Courthouse, Room 620
500 Pearl Street
New York, NY 10007

Re: Procapui-Produtores v. Marcial Gerald Layani, et al.; 07CV6627

Dear Judge Jones:

I represent the Higgins Defendants in the above-captioned action.

This week I filed through ECF a Motion for Sanctions against Procapui, Anavian and Mr. DeMaio after waiting the 21 days required by Rule 11(c)(2). The Motion was served by mail on March 21, 2008. After discussions with Mr. DeMaio we have agreed, subject to the approval of the Court, that Mr. DeMaio's papers responsive to the sanctions motion will be due on May 1, 2008. We will have until May 8 to reply and the motion will then be returnable on May 15, 2008.

Mr. DeMaio and I have also agreed to consent to the Court's deferring action on the sanctions motion until the Court has determined the pending motion which seeks to dismiss the Plaintiff's First Amended Complaint.

Thank you very much.

Very truly yours,

John J. Phelan, III

Application GRANTED.

SO ORDERED
Dated:

BARBARA S. JONES
U.S.D.J.

4/21/08